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Air Pollution Regulations in State Implementation Plans California, Lake County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

Aug 78

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Office of Air Quality
Planning and Standards
Research Triangle Park NC 27711

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Air Pollution Regulations in State Implementation Plans:

California

Lake County

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

California
Lake County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-14

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

LAKE COUNTY, APCD

Submittal	Approval	Description
6/30/72	9/22/72	All regs. unless otherwise specified
10/23/74	8/22/77	Parts II-V, Sections 3-7 of Part VI and Parts XI-XIII, App. A (Def. A-M, Burning Regs., Agric. Burn (Farm) 1-9, Farm 1-3, Range 1-2), App. B Parts I-II, IV-1,2,5,6, Sections 1,4,5,6 of Part V, Parts VI-VII, VIII-1-7, 9, Parts IX-X, Tables I-IV
11/3/75	8/22/77	Part III, Section 59a
2/10/76	8/22/77	Table V or A

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STATE AIR POLLUTION REGULATIONS

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- 4.2 SULFUR DIOXIDE
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7.0 EQUIPMENT MALFUNCTION AND MAINTENANCE

8.0 EMERGENCY EPISODES

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REGULATIONS

LAKE COUNTY AIR POLLUTION CONTROL DISTRICT

(2.0) PART I - PURPOSE.

These regulations are set forth to achieve and maintain such levels of air quality as will protect human health and safety; prevent injury to plant and animal life and property, promote the comfort and convenience of the people, promote the economic and social development and enjoyment of the natural attractions of this county.

Air quality standards are not intended to provide a sharp line between satisfactory and unsatisfactory air. Standards are to prevent or abate the effects of air pollution on health, esthetic and economic factors. Since standards are set to improve the quality of air, they should not be interpreted as permitting, encouraging or condoning degradation of present air quality within the county which is now superior to that of the stipulated standards.

Ambient air quality standards will be reviewed frequently in light of new information and experience relating to effects on health, property, plants and animals as well as progress in air pollution controls devices or methods.

(2.0) Part II - AUTHORIZATION AND DISCLOSURE.

A. These regulations are pursuant to the authority granted the County of Lake by the Health and Safety Code of the State of California. The Air Pollution Control Board of the Lake County Air Pollution Control District does hereby enact the following regulations. These shall be known as the regulations of the Lake County Air Basin.

B. The Board of Directors of the Lake County Air Pollution Control District recognize and acknowledge the fact that pursuant to the provisions of Section 6254.7 of the Government Code of the State of California air pollution emission data and all monitoring data are matters of public record, with the exceptions noted in that code section.

C. Disclosure Policy:

It is the policy of the District that all records not exempted from disclosure by State law shall be open for public inspection with the least possible delay and expense to the requesting party.

D. Disclosure Procedure:

(1) A request to inspect public records in the custody of the District need not be in any particular form, but it must describe the records with sufficient specificity to enable the District to identify the information sought. The District may require that a request to inspect be in writing.

(2) The District shall make available the records requested, with the exception of those records specifically exempted from disclosure by state law and those records labelled pursuant to state law as "trade secret", which are not emission data, within ten (10) working days of the date of receipt of the request therefor. If, for good cause, the information cannot be made available within ten (10) working days, the board will notify the requesting person the reasons for the delay and when the information will be available. Those records labelled as "trade secret" shall be governed by the procedure set forth in state law.

(3) Within five (5) working days of receipt of a request to inspect public records, the district shall advise the requesting person of the following facts when appropriate:

a. The location at which the public records in question may be inspected, and the date and office hours during which they may be inspected.

b. If copies of the public records are requested, the cost of providing such copies, if any.

c. Which of the records requested, if any, have been labelled pursuant to state law as "trade secret" and are not public records.

d. The specific reason why the records cannot be made available, if such is the case. Reasons for unavailability may be, but are not limited to, the following: the records are exempt from disclosure by state law; the records cannot be identified from the information contained in the request; the records do not exist; the district has determined pursuant to Section 6255 of the Government Code that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the records; or the records in question are not in custody of the district. In the latter situation the district shall, if possible, notify the requesting party of the entity most likely to have custody of the records requested.

(1.0) PART III - DEFINITIONS. (as used in these regulations and their applications)

1. Agricultural Operations:

The Growing and harvesting of crops, including timber or the raising of fowl, animals or bees as a gainful occupation.

2. Agricultural Burning:

Open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, forest management, or range improvement.

3. Air Contaminant:

A dust, fume, gas, mist, odor, smoke, vapor, pollen, soot, carbon, acid or particulate matter or any combination thereof.

4. Air Pollution:

The presence in the outdoor atmosphere of one or more air contaminants in quantities, characteristics, or duration such that they tend to be injurious to human, plant or animal life or property, or which unreasonably interfere with the enjoyment of life or property.

5. Air Pollution Abatement Operations:

Any operation which has as its essential purpose a significant reduction in (a) the emission of air contaminants or pollution, or (b) the effect of such emission or pollution.

6. Alteration:

Any addition to or enlargement or replacement of, or any major modification or change of the design, capacity, process, or arrangement, or any increase in the connected loading of, equipment or control apparatus which will significantly increase or effect the kind or amount of air contaminant emitted.

7. Ambient Air Quality Standards:

The specific concentrations and durations of air pollutants which reflect the relationship between the intensity and composition of pollution to undesirable effects.

8. Atmosphere:

The air that envelops or surrounds the earth.

9. Board:

The Air Pollution Control Board of the Air Pollution Control District of Lake County.

10. Carbon Monoxide:

A colorless gas, odorless under atmospheric conditions, having the molecular form CO.

11. Collection Efficiency:

The overall performance of an air cleaning device in terms of ratio of material collected to total input to the collector unless specific size fractions of the contaminant are stated or required.

12. Combustible or Flammable Solid Waste:

Any garbage, rubbish, trash, rags, paper, boxes, crates, ex-

celsior, ashes, offal, carcass of a dead animal, or any other combustible or flammable refuse matter which is in a solid form.

13. Combustible Refuse:

Any solid or liquid combustible waste material containing carbon in a free or combined state.

14. Combustion Contaminants:

Matter discharged into the atmosphere from the burning of any kind of material, excluding carbon dioxide and water.

15. Conditions:

As they appear in the table of ambient air quality standards, specify the applicability or interpretation of the associated standard.

16. Condensed Fumes:

Particulate matter generated by the condensation of vapors evolved after volatilization from the molten or liquid state, or may be generated by sublimation, distillation, calcination or chemical reaction, when these processes create airborne particles.

17. Continuous Flow Conveying Methods:

Transporting of materials at uniform rates of flow, or at the rates generated by the production process.

18. Control Officer:

The Air Pollution Control Director of the Air Pollution Control District of Lake County.

19. District or Control District:

The Air Pollution Control District of Lake County, the boundaries of which are coincidental with the County's boundaries.

20. Dust:

Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

21. Emission:

The act of passing into the atmosphere an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.

21a. Emission Data:

Are measured or calculated concentrations or weights of air contaminants emitted into the ambient air. Data used to calculate emission data are not emission data.

22. Emission Point:

The place, located in a horizontal plane and vertical elevation at which an emission enters the atmosphere.

23. Equipment:

Any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or which may be designed for or used to control air contaminants.

24. Equivalent Method:

Any procedure for measuring the concentration of a contaminant other than that specified in the air quality standard for the contaminant, which can be shown to the satisfaction of the Air Resources Board or the Air Pollution Control District Board to give equivalent results at or near the level of the air quality standards.

25. Excess Air:

The quantity of air that exceeds the theoretical quantity of air required for complete combustion.

26. Existing Source or Equipment:

Any air contamination source or equipment in use or existent at the use site at the time of adoption of these regulations.

27. Flue:

Any duct or passage for air, gases, or the like, such as a stack or chimney.

28. Health and Safety Code:

The Health and Safety Code of the State of California in its latest amended form.

29. Hearing Board:

The Hearing Board of the Air Pollution Control District of Lake County.

30. Hot Mix Asphalt Plant:

A plant conveying proportion quantities or batch loading of cold aggregate to a dried, and heating, drying, screening, classifying, measuring and mixing the aggregate and asphalt for the purpose of paving, construction, industrial, residential or commercial use.

31. Household Rubbish:

Papers, leaves, prunings, grass, except rubber products, plastics, roofing materials, petroleum oils, garbage, or other materials which create offensive odors.

32. Hydrogen Sulfide:

A colorless, noxious gas having the molecular form H_2S.

33. Incineration:

An operation in which the combustion is carried on for the principal purpose, or with the principal result, of oxidizing a waste material to reduce its bulk or facilitate its disposal.

34. Industrial Area:

Any area for the manufacturing, processing, fabricating, refining, repairing, packaging or treatment of good, materials, liquids and flammable or explosive matter or materials.

35. Installation:

The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

36. Micrograms Per Cubic Meter (ug/m3):

A unit of concentration which is numerically equal to the mass of a contaminant (in Micrograms) present in one cubic meter sample of air, measured at Standard conditions.

37. Most Relevant Effects:

Effects which ambient air quality standards are intended to prevent or abate.

38. New Sources or Equipment:

Any air pollution source or any equipment constructed or installed after the effective date of these regulations. Any air pollution source or equipment replaced, altered or processes changed as to have any substantial effect on the production or control of air contaminants. Any air pollution source or equipment moved to another premise involving a change of address. Any equipment purchased and to be operated after effective date of these regulations by a new owner or when a new lessee desires to operate such equipment. Any equipment that is or has been shut down, put out of service or otherwise made inoperative for 180 days and which is to be put back into service.

39. Nitrogen Dioxide:

A red-brown gas, odorless under atmospheric conditions, having the molecular form NO_2.

40. Open Outdoor Fire:

Any combustion of solid or liquid waste outdoors in the open, not in any enclosure where the products of combustion are not directed through a flue.

41. Operation:

Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or the chemical or physical properties of a material.

42. Orchard or Citrus Grove Heater:

Any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used for the purpose of giving protection from frost damage.

43. Over Fire Air:

Air introduced into a tepee or wigwam burner or other type incineration device after the primary combustion has occurred.

44. Owner:

Includes but is not limited to any person who leases, supervises or operates equipment, in addition to the normal meaning of ownership.

45. Oxidant:

A substance that oxidizes a selected reagent that is not oxidizable by oxygen under ambient conditions. It includes ozone, organic peroxides, and peroxacyl nitrates, but not nitrogen dioxides for purposes of these regulations.

46. Parts Per Million (PPM):

A volumetric unit of gas concentration, which is numerically equal to the volume of gaseous contaminant present in one million volumes of air.

47. Particulate Matter:

Discrete atmospheric particles of liquid, other than uncombined water, or solids, as distinguished from a gas or vapor.

47a. Person:

'Person' means any natural person, corporation, firm, partnership, governmental entity, and the federal government to the extent authorized by federal law. (Based on Section 39006.5 of the Health and Safety Code).

48. Person or Persons:

An individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, co-partnership, firm, association, trust or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.

49. Prevailing Visibility:

The greatest visibility which attained or surpassed around at least half of the horizon circle, but not necessarily in continuous sectors, as determined by the procedure given in "Manual of Surface Observations", U.S Weather Bureau, Army and Navy.

49a. Public Record:

'Public Record' means any record made available to the public by law containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by the Board, except "trade secrets". (Based on Section 6252(d) of the Government Code).

49b. Record:

'Record' means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters words, pictures, sounds, or symbols, or combinations thereof,

and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums, and other documents. (Based on Section 6252(e) of the Government Code).

50. Process Weight Per Hour:

The total weight, including contained moisture, of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion will not. The process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle. For continuous processes, the total weight of materials per twenty-four (24) hours period will be used in calculations.

51. Refuse:

Anything thrown away or rejected or worthless or useless; waste; rubbish; including but not restricted to domestic garbage, lawn and shrubbery trimmings; commercial wastes such as garbage, cardboard, paper; industrial wastes.

52. Regulations:

One of the major subdivisions of these regulations.

53. Residential-Commercial Area:

Any area used for single or multiple family dwelling purposes, including all accessory uses and facilities; any retail sales facility, professional offices, institutional and recreational uses and facilities and highway service activities.

54. Section:

Refers to a section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

55. Standard Conditions:

As used in these regulations, refers to a gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.

56. Standard Cubic Foot of Gas:

The amount of gas that would occupy a volume of one (1) cubic foot, if free of combined water, at standard conditions. When applied to gaseous combustion products, "standard cubic foot" also implies adjustment of gas volume to that which would result at a concentration of twelve percent (12%) carbon dioxide or fifty percent (50%) excess air.

57. Sulfur Dioxide:

A colorless, irritation gas under atmospheric conditions, having a molecular form SO_2.

58. Tepee or Wigwam Burner:

A burner of wood wastes, consisting of a single burning chamber having the general features of a truncated cone, and generally used in conjunction with saw-mills, lumber mills and similar activities.

59. Total Reduced Sulfides (TRS):

Reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds, all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid mist are not to be included in the determination of TRS.

59a. Tons:

Tons are mass units equal to 2000 pounds.

60. Underfire Air:

Air introduced into a tepee or wigwam burner or other type incineration device beneath the fuel pile or into the primary combustion chamber.

61. Visibility Reducing Particles:

Atmospheric particles in the light scattering size range.

(2.0) PART IV - OFFICERS, EMPLOYEES, DUTIES, HEARING BOARD, COMPENSATION.

1. Board:

The Board of Supervisors of the County shall be, and are hereby designated as, and empowered to act as, ex-officio the Air Pollution Control Board of the Air Pollution Control District (Section 24220 H and S Code).

2. Control Officer:

The Board shall appoint an Air Pollution Control Director (H and S 24222).

3. Other Employees:

The Board may provide for assistants, deputies, clerks, and other employees to be employed by the Air Pollution Control Director and the times at which they shall be appointed (H and S 24223).

4. Duties of the Control Officer:

The Air Pollution Control Director shall observe and enforce, within the Control District:

a. the provisions of Chapter 2, Division 20 and Chapter 3.5, Part I, Division 26 of the Health and Safety Code and all provisions of the Vehicle Code relating to the emission or control of air contaminants.

b. all orders, regulations, and rules prescribed by the Air Pollution Control Board of the District.

c. all variances and standards which the hearing board prescribes pursuant to Article 5, Chapter 2, Division 20 of the Health and Safety Code and these regulations. (H and S 24224 as amended 1970).

5. Hearing Board:

a. The Air Pollution Control Board shall appoint a hearing board to consist of five members, none of whom is otherwise employed by the air pollution control district or by the county. One member shall have been admitted to the practice of law in this state. One member shall be a chemical or mechanical engineer. One member shall be a representative from the medical profession whose specialized skills, training, or interests are in the fields of environmental medicine, community medicine, or occupational/toxicologic medicine. Two members shall be public members.

b. If the Air Pollution Control Board in a county having a population of less than 500,000 inhabitants is unable to secure a person with the qualifications prescribed by subdivision (a), who is willing and able to serve, and for that reason a vacancy exists on the hearing board, it may, in order to fill the vacancy, appoint to such hearing board any person. (Health and Safety 24225).

6. Compensation:

The Board shall determine the compensation of and pay from district funds, the Air Pollution Control Director, and all of his assistants, deputies, clerks, and other employees and members of the Hearing Board (H and S 24227).

(2.0) PART V - PROHIBITIONS AND STANDARDS.

(50.1.2) 1. Visible Emissions:

A. A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

1. as dark or darker in shade as that designated as No. 2 of the Ringlemann Chart, as published by the United States Bureau of Mines, or

2. of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described

in subsection (a) of this section.

Existing visible emission sources will comply with subsection V-1B by 1 January 1974.

C. Part V-1c shall not apply to any aircraft being used to distribute seed, fertilizer, insecticides, or other agriculture aids over lands devoted to the growing of crops or raising of fowl or animals (H and S 24242.5 and 39077.5).

Ringlemann No. 2 is equivalent to an opacity of forty percent (40%) and Ringlemann No. 1 is equivalent to an opacity of twenty percent (20%) for purposes of these regulations.

D. Exclusions:

The provisions of Part V-1, "Visible Emissions," do not apply to emissions:

(1) from fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary:

a. for the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

b. for the instruction of public employees in the methods of fighting fire.

(2) from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire (H and S 24245).

(3) of agricultural operation and associated necessary odors in the growing of crops, raising of fowls or animals (H and S 24251 and 39077.5).

(4) from fires set for improvement of watershed, range, or pasture (H and S 39077.4).

(5) of orchard or citrus grove heaters which do not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute (H and S 24251).

(6) from the use of other equipment in agricultural operations in the growing of crops, or raising of fowl or animals (H and S 24251).

(7) from fires set pursuant to an open burning permit issued by the Control Officer (H and S 39077.4).

(50.1) 2. Particulate Matter Emissions:

Prohibitions:

(1) Combustion contaminants discharged into the atmosphere from any source shall not exceed

a. two-tenths (0.2) grain per standard cubic foot of gas calculated to 12 percent carbon dioxide for equipment in use, prior to December 20, 1971, or

b. one-tenth (0.1) grain per standard cubic foot of gas calculated to 12 percent carbon dioxide for equipment beginning operation after December 20, 1971.

(2) Other Sources: Particulate matter discharged into the atmosphere from other than combustion sources shall not exceed:

a. two-tenths (0.2) grain per standard cubic food of gas, or

b. the total process emission from a single premise source for any dust, condensed fume, or other particulate matter, as given in Table IV. The more stringent of (a) or (b) shall apply.

(50.7) 3. Other Emissions or Contaminants:

(51.0) A. General:

No person shall discharge, or permit to be discharged from

any source whatever, such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to cause injury or damage or have a natural tendency to cause injury or damage to business or property (Health and Safety Code 24243). This does not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl or animals (Health and Safety 24251.1). Any discharge of air contaminants which will cause the ambient air quality to exceed those amounts listed in the TABLE OF STANDARDS, APPLICABLE STATEWIDE, as shown in the California Administrative Code, Title 17, Section 70200, off premises shall be a violation of this section. Section 70200 of the California Administrative Code is hereby adopted and made a part of this regulation as though fully set forth herein.

(51.13) B. Open Burning:

(1) No person shall use open fires for the purpose of disposal of petroleum wastes, demolition debris, tires, or other combustible or flammable solid or liquid waste; or for metal salvage or burning of automobile or other vehicle bodies (H and S 39296 AB 16 except "other vehicle").

(2) No person shall ignite or cause to be ignited, permit to be ignited or suffer, allow or maintain any open outdoor fire except as follows:

a. Fires used only for the cooking of food for human beings or for recreational purposes, or

b. fires permitted under exceptions to the "Visible Emissions" prohibitions, Section V of these regulations, or

c. fires set or caused to be set as backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resources Code (H and S 39297), or

d. fires set to abate fires pursuant to Chapter 2 (commencing with Section 13025) of Part I of

Division 12, Health and Safety Code, "Fire and Fire Protection" (Health and Safety 39297).

e. Fires for disposal of household rubbish of a single or two-family dwelling on its premises.

(51.21) C. Animal Matter:

(1) A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors, and gas-entrained effluents from such an article, machine, equipment or other contrivances are:

a. incinerated at temperatures of not less than one thousand two hundred (1,200) degrees Fahrenheit for a period of not less than three-tenth (0.3) second, or

b. processed in a manner determined by the Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

(51.1) D. Orchard Heaters:

(1) No new orchard or citrus heater produced or manufactured shall be sold for use against frost damage after 1 January 1971, unless is has been approved by the California Air Resources Board.

(2) The District may allow continued use of orchard heaters, until 1 January 1974 that will not comply with these regulations if provisions of these regulations would preclude the use of such heaters and be a serious economic hardship to the owners or operators of the heaters or the practical elimination of agricultural operations now being carried out within the District (H and S 24265.5). After 1 January 1974, all orchard heaters used shall be of a type which produces unconsumed solid carbonaceous matter at a rate of not more than one (1) gram per minute. Permits are not required for orchard heater operation.

(51.16) E. Gasoline Storage:

The following Sections of the State of California Health and Safety Code, and any future Amendments thereto, are part of these Rules and Regulations by reference: Section 39068.2 et seq., Chapter, Article 2, Part I, Division 26.

(50.2) F. Sulfur:

A person shall not discharge into the atmosphere from any single source of emission whatsoever emissions in excess of 1,000 ppm sulfur compounds calculated as sulfur dioxide.

(7.0) PART VI - MAINTENANCE, MALFUNCTION, EVASION, INSPECTION.

1. Maintenance:

Emissions exceeding any Air Pollution District standard as a direct result of a shutdown of equipment for scheduled maintenance shall not be deemed to be a violation of these regulations provided:

A. A report shall be submitted to the Control Officer at least twenty-four (24) hours prior to shutdown, and

B. The person responsible for such emissions shall complete maintenance with reasonable speed. The Control Officer may require in writing a full report on such occurrences if the nature of emissions or length of shutdown warrants.

2. Malfunction of Equipment:

A. Emissions exceeding any of the limits established in these regulations as a result of equipment or installation malfunction shall be deemed in violation unless:

(1) The Control Officer or department is notified within four (4) hours of malfunction onset which would be expected to result in increased emissions, and

(2) The person responsible for the equipment or installation operations, upon request of the Control Officer

makes a full report, including causes and preventative measures to be taken to minimize or eliminate a reoccurrence within ten (10) working days of occurrence.

B. On receipt of notification the Control Officer may permit the continuance of operation for a period not to exceed ten (10) days provided that written application is made to the Control Officer. Such application shall be made within twenty-four (24) hours of the malfunction or within such other time period as the Control Officer may specify. In the case of major equipment failure, the Control Officer may permit additional time for correction provided a corrective program has been submitted by the person and approved by the Control Officer.

3. Evasion:

No person shall cause or permit the installation or use of any device of any means which, without resulting in reduction in the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminant which would otherwise violate an air pollution control regulation.

A. Except when the Control Officer upon investigation determines that breakdown or malfunction was unavoidable or unforseen.

4. Request Procedure:

A. When requesting information for determining the amount of air contaminants from nonvehicular sources pursuant to Section 39079 or other sections of the Health and Safety Code, the district shall identify the information requested with sufficient specificity to enable the person to identify the precise information sought. The District shall give notice in writing that the information provided may be released (1) to the public upon request, except trade secrets, which are not emission data, and (2) to the federal Environmental Protection Agency, which protects trade secrets as provided in Section 114 (c) of the Clear Air Act, as amended in 1970 and in 40 Code of Federal Regulations, Chapter 1, Part 2.

B. Any person from whom the district obtains any records, whether requested by the district or furnished by a person for some other reason, may label as 'trade secret' any part of those records which are entitled to confidentiality under Section 6254.7 of the Government Code (quoted in Section 91000). Written justification for the 'trade secret' designation shall be furnished with the records so designated and the designation shall be a public record. The justification shall be as detailed as possible without disclosing the trade secret; the person may submit additional information to support the justification, which information, upon request, will be kept confidential in the same manner as the record sought to be protected.

C. After a preliminary review, the district may reject a justification as having no merit, in which case the person making the justification shall be promptly notified in writing the records in question shall, upon expiration of 21 days from the date of the notice, be subject to public inspection unless a justification is received and accepted.

D. An application for approval, accreditation, or certification of a motor vehicle emission control device or system shall be deemed a trade secret until such time as the approval, accreditation, or certification is granted, at which time the application shall become a public record, except that estimates of sales volume of new model vehicles contained in an application shall be treated as trade secrets for the model year, and then shall become public records. If an application is denied, it shall continue to be treated as a trade secret but shall be subject to the provisions of Section 5.

5. Trade Secrets:

A. Except as otherwise provided in State law, only those portions of records in the custody of the district which are not emission data and (1) were labelled "trade secret" prior to the adoption of this Subchapter, (2) are hereafter specifically labelled as "trade secret" pursuant to State law, or (3) are received from a state or local agency, including an air pollution control board,

with a "trade secret" designation, shall be subject to the procedure set forth in this section. All other portions of such records shall be made available pursuant to Section 21021.

B. When the district receives a request to inspect any record so labelled which is not emission data, it shall promptly notify the requesting party that (1) such record is designated a trade secret under state law, and, if such is the case, under law it cannot be made available; (2) the district has not determined if it is a trade secret, but the justification of the request for confidentiality is enclosed; and (3) if the requesting party considers the justification inadequate, he may so advise the district in writing, setting forth his reasons.

C. Upon receipt of such advice, the district shall (1) promptly review in detail the justification, the Challenge to the justification, and the record; (2) determine if the record is in its entirety a trade secret (s); and (3) promptly notify those persons affected of its decision in writing. If the district withholds the record from inspection, the person requesting it may seek judicial relief under Section 6258 of the Government Code. If the district determines that the record is in any significant part not a trade secret, the district shall send the notice required by this subdivision by certified mail, return receipt requested, to the person designating the information as a trade secret, with an additional notice that the record in question shall be released for inspection to the requesting party twenty-one days after receipt of the notice, unless the district is restrained from so doing by a court of competent jurisdiction.

D. Should the person designating the record as a trade secret seek protection in a court of law, the requesting party may be made a party to the litigation to justify his challenge to the designation.

6. Emission Data and Sampling Access:

The Control Officer or his authorized representative may, upon reasonable written notice, require the owner or operator of any article, machine, equipment, or other contrivance,

the use of which may cause the issuance of air contaminants, or the use of which may eliminate, reduce or control the issuance of air contaminants, to:

A. Provide the district with descriptions of basic equipment, control equipment and rates of emissions. Where this information does not provide sufficient data to the district to carry out the purposes of Part I, Division 26 of the Health and Safety Code, or where such information is in question, the control officer or his authorized representative may require such other additional information as may be necessary, including process and production data, techniques and flow diagrams.

B. Provide sampling platforms, sampling ports, and means of access to sampling locations.

C. Provide and maintain sampling and monitoring apparatus to measure emissions or air contaminants when the control officer or his authorized representative has determined that such apparatus is available and should be installed.

7. Credentials for Entry:

The control officer shall issue identification cards, with the photograph of the holder and signature of the control officer, to such employees of the district who need such credentials for entry as authorized by Section 39079.5 of the Health and Safety Code.

(3.0) PART VII - PERMITS.

1. Registration:

These regulations do not constitute an automatic permit for the installation or operation of any equipment in existence upon the effective date of these regulations. Upon request of the Control Officer, any source of emission, actual or potential, shall register with the District. Any owner, operator or user of any equipment in use at the time of adoption of these regulations and subject to these regulations who is required to register shall be allowed thirty (30) days to register to obtain a permit to operate and to

operate and to furnish the Control Officer with information required. Registration information required may include all information required under VII-4 relating to operating permits.

2. Construction, Alteration, Replacement, Sale or Rental:

Permits shall be required to construct, erect, alter, replace, sell or rent any equipment which may cause, potentially cause, reduce control or eliminate the issuance of air contaminants. Written authority to construct, alter, replace sell or rent shall be obtained from the Control Officer prior to starting construction, erection, alteration, sale or rental. A single permit may be issued for all components of an integrated system or process. Plans and specifications drawn in accordance with acceptable engineering practices, may be required as a prerequisite to permit issuance. The authority to construct shall remain in effect for one (1) year or until a permit for operation is issued, whichever occurs first. If the authority to construct expires prior to issuance of a permit to operate, the authorization may be extended one year at the request of permittee. A renewal fee may be assessed. Construction not in accordance with this permit shall be sufficient reason to deny a permit to operate.

3. Notice of Completion:

Notice shall be provided in writing to the Control Officer of the completion of construction, alteration, or replacement and the date when operation will commence.

4. Operation:

Permits shall be required to operate any equipment which may cause, potentially cause, reduce, control or eliminate the issuance of air contaminants. No permits to operate shall be granted by the Control Officer or Hearing Board unless the equipment is designed to meet standards set forth in these regulations and the regulations of the Air Resources Board of the State of California and the following requirements are met:

A. Registration shall be completed within thirty (30) days

following the mailing date of the request by the Control Officer.

B. Registration shall be made on forms furnished by the District and completed by the owner, lessee, or agent of the source.

C. The following information may be required of the registrants:

(1) Name, address, owner and nature of business.

(2) Name of local person responsible for compliance with these rules and regulations.

(3) Name of person authorized to receive requests for data and information.

(4) A description of the production processes and a related flow chart.

(5) A plot plan showing the location and height of all air contaminant sources. The plot plan shall also indicate the nearest residential or commercial property.

(6) Type and quantity of fuels used or wastes combusted.

(7) Amount, nature and duration of air contaminant emissions.

(8) Estimated collection efficiency of air pollution control equipment under present or anticipated operating condition.

(9) Amount and method of refuse disposal.

D. Re-Registration will be carried out:

(1) Annually upon the date of initial registration, by person responsible for the air contamination source reaffirming in writing the correctness and current status of the information furnished the District, or

(2) At any time changes in the factual data reported under Section VIII-3 occur, such changes shall be reported to the District in writing. Re-registration may be required on forms furnished by the District.

5. Approval:

A permit, conditional permit or notice of approval to construct, alter, replace, sell, rent or operate does not relieve the owner or operator of the responsibility of complying with the emission standards and regulations of this District, the Air Resources Board and the Health and Safety Code.

6. Posting of Permits:

Permits shall be posted on the equipment. Posting shall consist of affixing the permit, an approved facsimile, or other approved identification bearing the permit number upon the equipment in such a manner to be clearly visible and accessible. In the event the equipment is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within twenty-five (25) feet of the equipment, or maintained readily available at all times on the operating premises.

7. Transfer of Permits:

Permits are non-transferrable from one location to another, from one piece of equipment to another, or from one person to another.

8. Conditional Permits:

The Control Officer may issue an authority to construct or permit to operate or use, subject to condition which will bring the operation of any equipment within the applicable standards set forth in these regulations, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Control Officer may issue an authority to construct or permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the equipment can operate within the standards of these regulations under the revised conditions.

9. Use Permits:

Permits to construct, alter, replace, or operate issued under these regulations do not replace, supplant or negate the need for a Use Permit issued by the Planning Commission under Section 20-74 of the Lake County Code.

10. Action on Applications:

The Control Officer shall act promptly on an application for authority to construct, alter, replace sell or rent, or permit to operate, and shall notify the applicant in writing by mail or in person, of the action taken; namely approval, conditional approval, or denial. Notice of action taken shall be deemed to have been given when the written notification has been deposited in the mail, post-paid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

11. Exclusions:

Permits shall not be required for:

A. Any vehicle as defined in the Vehicle Code.

B. Any structure designed for and used exclusively as a dwelling for not more than four (4) families.

C. An incinerator used exclusively in connection with such a dwelling structure.

D. Barbecue equipment which is not used for commercial purposes.

E. Orchard or citrus grove heaters described in 11 of this subsection and in section V-1E of these regulations (H and S 24251).

F. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

12. Fees for Permits:

The Air Pollution Control Board may provide a schedule of fees not exceeding the estimated cost of issuing permits and inspection pertaining to such.

13. Source Emission Testing:

In the event that emission occurs, or is likely to occur, which is in excess of that allowed by these regulations, or if the nature of the emissions warrants, emission source or emission premise monitoring may be required as follows:

A. The Source owner or operator may be required to perform or have performed tests to determine the emission of air contaminants from any source. These must be conducted by reputable qualified personnel and in accordance with good professional practice and acceptable methods. The District may observe such testing at any time and be supplied with a copy of test results in writing, signed by the person responsible.

B. Require the installation of emission monitoring equipment on a permanent basis so the operator of air contamination sources may know the nature and extent of emission. Record of such monitoring shall be available to the District upon demand. Such monitoring must be done by qualified personnel and with acceptable methods.

C. The District may conduct emission tests on any premise. The owner shall provide necessary holes, stacks, ducts, platforms or other such safe and proper sampling and testing facilities. Any construction required shall be in accordance with the General Industrial Safety Orders of the State of California. If permanent monitoring is deemed necessary, and equipment needed shall be provided and maintained by the owner under the general direction of the District. Copies of any District testing result shall be provided the owner upon request.

14. Plans and Specifications:

The Control Officer at any time may require from an applicant for, or holder of any permit provided for by these regulations, such information, analysis plans, or specifications as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source (H and S 24269).

15. Suspension of Permit:

A. Any permit issued under these regulations may be suspended by the Control Officer, Board or Hearing Board for violation of any regulation or standard of the District,

B. If the holder of any permit provided for by regulations within fifteen (15) days (H and S says "reasonable" time) wilfully fails and refuses to furnish to the Control Officer information, analyses, plans or specifications requested, the Control Officer may suspend the permit. Written notice of such suspension and the reasons therefore shall be served the permittee (H and S 24270).

C. Within ten (10) days after receipt of notice of suspension the permittee may file with the Hearing Board a demand for a public hearing as to whether or not the permit was properly suspended (H and S 24271).

16. Reinstatement of Permit:

A. The Control Officer shall reinstate a suspended permit when all information, analyses, plans, specifications are furnished (H and S 24272).

B. The Control Officer may reinstate a suspended permit where in his opinion, good reasons exist therefore (H and S 24273).

C. The Control Officer may request the Hearing Board to hold a public hearing to determine whether a permit should be revoked, or a suspended permit should be reinstated (H and S 24274).

D. Within thirty (30) days after either the Control Officer or the permittee has requested a public hearing, the Hearing Board shall hold such hearing and give notice of the time and place of such hearing to the permittee, to the Control Officer and to such other persons as the Hearing Board deems should be notified, not less than ten (10) days before the date of the public hearing (H and S 24275).

E. After a public hearing the Hearing Board may:

(1) Continue the suspension of a permit suspended by the Control Officer, or

(2) Remove the suspension of an existing permit invoked by the Control Officer pending the furnishing by the permittee of the information, analyses, plans and specifications required, or

(3) Find that no violation exists and reinstate an existing permit, or

(4) Revoke an existing permit, if it finds:

(a) the permittee has failed to correct any conditions required by the Control Officer. or

(b) a refusal of a permit would be justified, or

(c) fraud or deceit was employed in the obtaining of the permit, or

(d) any violation of these regulations or Chapter 2 of the H and S Code (H and S 24276).

17. Denial of Applications:

A. In the event of denial of an authority to construct, permit to operate or permit to sell or rent, the Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, addressed to the applicant at the address set forth on the application, and such service may be proved by the written acknowledgement of the person served or affidavit of the person making the service. The Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Control Officer as his reason for denial of the authority to construct, the permit to operate or the permit to sell or rent.

B. Before acting on an application for authority to construct, permit to operate or permit to sell or rent, the Control Officer may require the applicant to furnish further information or further plans or specifications.

C. Failure of the Control Officer to act upon an application to construct, alter, replace, sell or rent within sixty (60) days of initial application or within thirty (30) days after the applicant furnishes further information, plans and specifications requested by the Control Officer, whichever is later, shall be considered a denial of permit. The applicant may thereafter petition the Control Officer for action.

D. Within ten (10) days after notice by the Control Officer of denial or conditional approval of an authority to construct, permit to operate or use or permit to sell or rent or within ten (10) days after the application is deemed denied pursuant, to C above, the applicant may petition the Hearing Board, in writing, for a public hearing held within thirty (30) days after filing the petition, may sustain, reverse or modify the action of the Control Officer; such order may be made subject to specified conditions.

18. Schedule of Compliance:

A person responsible for emission which is not in compliance with these regulations on their effective date or a person found by the Control Officer at a later date not in compliance, shall submit to the Control Officer for approval a schedule for compliance containing estimates of time for engineering, time for procurement, time for fabrication and time for installation and adjustment. The schedule shall be submitted within sixty (60) days of the initial request. The original schedule may be amended within ninety (90) days of the original request, provided the material facts are presented in writing, indicating a different reasonable schedule. Failure of the applicant to comply with the original or modified schedule may result in.

A. Further demand by the Control Officer for a compliance schedule or reports as necessary to show reasonable progress, or

B. Application of enforcement procedures contained in these regulations if unreasonable delay has occurred without significant progress.

C. Variances granted by ABB only

(8.0) PART VIII - EMERGENCY CONDITIONS.

In the event of generalized atmospheric conditions or localized dangerous contamination of such a nature to warrant, the Control Officer may take immediate action and instruct person or persons contributing to air pollution to reduce or discontinue immediately the emission of air contaminants. A hearing may be held by the Hearing Board within twenty-four (24) hours of such action.

(16.0) PART IX - ABATEMENT.

The Air Pollution Control Board may, after notice and a hearing, issue, or provide for the issuance by the Hearing Board, after notice and a hearing, of, an order for abatement whenever the District finds that any person is in violation of these regulations prohibiting or limiting the discharge of air contaminants into the air. The Air Pollution Control Board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred on the Hearing Board. The Hearing Board in holding hearings on the issuance of orders for abatement shall have all powers and duties conferred upon it by these regulations and the Health and Safety Code (H and S 24260.5) (AB88).

(15.0) PART X - VIOLATIONS AND PENALTIES.

1. General:

A. Every person violating any order, rule or regulation of an Air Pollution Control District is guilty of a misdemeanor. Every day during any portion of which such a violation occurs is a separate offense (H and S 24281).

B. Any violation of any order, rule or regulation of the Air Pollution Control Board may be enjoined in a civil action brought in the name of the people of the State of California, except that the plaintiff shall not be required to allege facts necessary to show or tending to show lack of adaquate remedy at law or to show or tending to show irreparable damage or loss (H and S 24252, amended 1970 by AB 90).

C. Any person who intentionally or negligently violates any rule or regulation of the Air Pollution Control District, or the State Air Resources Board, prohibiting or limiting the discharge of Air contaminants into the air, shall be liable for a civil penalty not to exceed five hundred dollars ($500.00) for each day in which such violation occurs (H and S 39261 AB 88 1970).

2. Visible Emission Prohibitions:

Every person who violates any provisions of these regulations which are set forth under authority of Devision 20, Chapter 2, H and S Code, is guilty of a misdemeanor. Every day during any portion of which such violation occurs constitutes a separate offense (H and S 24253).

3. Permits:

A. Every person is guilty of a misdemeanor who knowingly makes any false statement in any applicaton for a permit or in any information, analyses plans, or specifications submitted either in conjunction therewith, or at the request of the Control Officer (H and S 24277).

B. Every person is guilty of a misdemeanor who builds, erects, alters, replaces, uses or operates any source capable of emitting air contaminants for which a permit is required by those regulations when his permit to do so has been either suspended or revoked (H and S 24278).

C. Every person required by these regulations to obtain a permit so to do who, without first obtaining such permit builds, erects, alters, replaces, uses. or operates any source capable of emitting air contaminants, is guilty of a misdemeanor (H and S 24279).

D. Every person is guilty of a misdemeanor who builds, erects, alters, or replaces, operates or uses any such articles, machine, equipment, or other contrivance contrary to the provisions of any permit issued under these regulations or the H and S Code, State of California (H and S 24280).

E. Every permittee who wilfully fails or neglects to furnish information, analyses, plans or specifications required by the Control Officer is guilty of a misdemeanor (H and S 24282).

4. Abatement:

Any person who intentionally or negligently violates any order of abatement issued by the District pursuant to these regulations, Part X, or by the State Air Resources Board, shall be liable for a civil penalty not to exceed six thousand dollars ($6,000.00) for each day in which such violation occurs (H and S 39260).

5. Open Burning:

Any violation of Part V 3B is a misdemeanor punishable by by imprisonment in the county jail not exceeding six (6) months, or by fine not exceeding five hundred dollars ($500.00), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense (H and S 39296.1).

6. Orchard Heaters:

Any violation of Part V-3D of these regulations is a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by fine not exceeding five hundred dollars ($500.00), or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense (H and S 39298.7).

(16.0) PART XI - HEARING BOARD.

1. The Hearing Board shall select from its number a Chairman (H and S 24311).

2. The Hearing Board may hold a hearing in bank or may designate four (4) or three (3) of their number to hold a hearing (H and S 24312).

3. If three (3) or more members of the Hearing Board conduct a hearing the concurrence of three (3) shall be necessary to a decision (H and S 24313).

4. The Hearing Board not less than four (4) being present may, in its descretion, within thirty (3) days re-hear any matter which was decided by a single member (H and S 24314).

5. Whenever the members of the Hearing Board conducting any hearing deem it necessary to examine any person as a witness at such hearing, the chairman of the Hearing Board shall issue a subpoena in the proper form, commanding such person to appear before it at a time and place specified to be examined as a witness. The subpena may require such person to produce all books, papers and documents in his possession or under his control material to such hearing (H and S 24315).

6. A subpoena to appear before the Hearing Board shall be served in the same manner as a subpoena in a civil action (H and S 24316).

7. Whenever any person duly subpoenaed to appear and give evidence or to produce any books and papers before the Hearing Board neglects or refuses to appear, or to produce any books and papers, as required by the subpoena or refuses to testify or to answer any questions which the Hearing Board decides are proper and pertinent, he shall be deemed in contempt, and the Hearing Board shall report the fact to the Judge of the Superior Court of the County (H and S 24317).

8. Upon receipt of the report, the Judge of the Superior Court shall issue an attachment directed to the Sheriff of the County where the witness was required to appear and testify, commanding the Sheriff to attach such person and forthwith bring him before the Judge who ordered the attachment issued (H and S 24318).

9. On the return of the attachment and the production of the body of the defendant, the Judge has jurisdiction of the matter. The person charged may purge himself of the contempt in the same way, and the same proceeding shall be had, and the same penalties may be imposed, and the same punishment inflicted as in the case of a witness subpoenaed to appear and give evidence on the trial of a civil cause before a Superior Court (H and S 24319).

10. Every member of the Hearing Board may administer oaths in every hearing in which he participates (H and S 24320).

11. At any hearing the Hearing Board may require all or any witness to be sworn before testifying (H and S 24321).

12. Any person deeming himself aggrieved, including the Air Pollution Control District, may maintain a special proceeding in the Superior Court, to determine the reasonableness and legality of any action of the Hearing Board (H and S 24322).

13. Any person filing such a special proceeding after any decision of the Hearing Board shall be entitled to a trial de novo and an independent determination of the reasonableness and legality of such action in such court on all issues of law, facts, and mixed questions of law and facts and opinions therein involved (H and S 24323).

(5.0) PART XII - VARIANCES.

1. The provisions of the H and S Code, and these regulations do not prohibit the discharge of air contaminants to a greater extent or

for a longer time, or both, than permitted by Article 3, Chapter 2, Division 20, H and S and Section V (Prohibitions and Standards) of these regulations, if not of a greater extent or longer time than the Hearing Board finds necessary (H and S 24291).

24291. The provisions of this Chapter do not prohibit the discharge of air contaminants to a greater extent or for a longer time, or both, than permitted by Article 3 (commencing with Section 24241) of this Chapter, Chapter 3.5 (commencing with Section 39077) of Part I of Division 26, or by rules, regulations, or orders of the air pollution control board, if not of a greater extent or longer time than the hearing board or a court after a hearing before the hearing board finds necessary pursuant to the provisions of this article.

2. a. The owner or operator of any emission source, with respect to the source, or the air pollution control officer, may petition the hearing board for a variance. Upon receipt of a petition for a variance, except in the case of an emergency, as determined by the hearing board, the hearing board shall hold a hearing to determine under what conditions and to what extent a variance from the requirements established by these rules and regulations is necessary and will be permitted.

b. The Hearing Board shall allow interested members of the public a reasonable opportunity to testify with regard to the matter under consideration, and shall consider such testimony in making its determination.

c. The hearing board shall prepare a record of the witnesses and the testimony of each witness at the hearing. Such a record may be a tape recording. The record shall be retained by the hearing board while the variance is in effect, or for the period of one year, whichever is longer.

d. If any person who has filed a petition for a variance desires to commence or continue operation pending the decision of the hearing board, he may petition the hearing board for an interim variance. The hearing board shall consider such an application at a hearing, which may be held without compliance with the requirements of subdivisions (a), (b), and (c) of this section and Section 4, Part XII, except that notice shall be given to the air pollution control officer. Good cause appearing therefore, which shall be stated in the order, the hearing board may grant an interim variance, which shall not extend beyond the date of the decision of the hearing board, or 90 days from the date of its issuance, whichever occurs first. The hearing board shall not grant any interim variance which in its judgment is being sought to avoid the notice and hearing requirements set forth in.

3. The Air Pollution Control Board may set forth a schedule of fees which will yield a sum not exceeding the estimated cost of the administration of this section, for the filing of applications for variances or to revoke or modify variances. All applicants shall pay the fees required by such a schedule (H and S 24293) to the District Treasury (H and S 24294).

4. a. The hearing board shall serve a notice of the time and place of a hearing to grant a variance upon the air pollution control officer, all other air pollution control districts within the air basin as defined by the State Air Resources Board, the State Air Resources Board, the Environmental Protection Agency and upon the petitioner, if any, not less than 30 days prior to such hearing.

   b. The hearing board shall also send notice of the hearing to at least one daily newspaper of general circulation in the district, and obtain publication in such newspaper, and to every person who requests such notice. Such notice shall be sent and published not less than 30 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

   c. At least 30 days prior to the hearing, the hearing board shall make the petition for variance, including all proposed conditions or increments of progress, if any, available to the public for inspection. The hearing board may require that the petitioner submit proposed conditions or increments of progress as part of the petition. If the petitioner fails to do so, the Hearing Board may itself propose conditions or increments of progress, or dismiss the petition. The Hearing notice shall state that the petition, including proposed conditions or increments of progress, is available for public inspection, and set forth the place and times therefor.

   d. In the case of a variance or series of variances totaling not more than 90 days, the notice requirements of subdivision (b) and (c) shall not apply. For such a variance or variances, notice shall be served as required in subdivision (a), and upon any person who requests notice of such variances, not less than 10 days before the hearing.

5. If the Hearing Board finds that because of conditions which are beyond the control of the owner or operator, compliance with these regulations or order of the Air Pollution Control Board will result in an arbitrary and unreasonable taking of property or in the

practical closing and elimination of any lawful business, occupation or activity, in either case without a sufficient corresponding benefit or advantage to the people in the reduction of air contamination, it shall prescribe other and different requirements not more onerous applicable to plants and equipment operated either by same classes of industries or persons, or to the operation of separate persons, provided, however, that no variance may permit or authorize the maintenance of a nuisance (H and S 24296).

6. In determining under what conditions and to what extent a variance from said requirements is necessary and will be permitted, the hearing board shall exercise a wide discretion in weighing the equitities involved and the advantage and disadvantages to the residents of the district and to any lawful business, occupation or activity involved, resulting from requiring compliance with said requirements or resulting from granting a variance (H and S) 24297).

7. The Hearing Board may revoke or modify the written order, after public hearing held upon not less than ten (10) days notice, any order permitting a variance (H and S 24298). Notice of time and place of a hearing to revoke or modify any order permitting a variance shall be served not less than ten (10) days prior to such hearing, upon the Control Officer, upon all persons who will be subjected to greater restrictions if such order is revoked or modified as proposed and upon all other persons interested or likely to be affected who have filed with the Hearing Board or Control Officer a written request for such notification (H and S 24299).

   The Board shall also send notice of the hearing to every daily newspaper of general circulation in the district and to every person who requests such notice. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

   Notice shall be submitted by personal service or first class mail, postage prepaid. If the identity or address of any person entitled to notice is unknown, the Hearing Board shall serve such person be publication of notice once in a newspaper of general circulation published within the Air Pollution Control District (H and S 24300).

8. a. The hearing board, in making any order permitting a variance, shall set a final compliance date, in no event to exceed one year from the date of issuance of the variance.

b. Notwithstanding subdivision (a), variance may be issued for a period exceeding one year if such variance includes a schedule of increments of progress which require compliance with applicable emission control limits by the conclusion of the schedule. Any such schedule shall have a final compliance date.

c. Upon petition of any interested person, the hearing board may review and for good cause, such as a change in the availability of materials, equipment, or adequate technology, modify a schedule of increments of progress after holding a hearing in accordance with Section 7. Upon petition of any interested person, the hearing board may review and for good cause, such as a change in the availability of materials, equipment, or adequate technology, modify a final compliance date by holding a public hearing in accordance with Section 4.

d. "Increments of progress" means steps toward compliance which will be taken by the petitioner, including:

   1) The date of submittal of the source's final control plan to the appropriate air pollution control agency;

   2) The date by which contracts for emission control systems or process modifications will be awarded; or the date by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

   3) The date of initiation of onsite construction or installation of emission control equipment or process change;

   4) The date by which onsite construction or installation of emission control equipment or process modification is to be completed; and

   5) The date by which final compliance is to be achieved.

e. "Increments of progress" shall include, where practicable, each increment of progress specified in subdivision (d) and shall include such additional increments of progress as may be necessary or appropriate to permit close and effective supervision of progress toward timely compliance.

9. No variance shall be granted unless the hearing board makes all of the following findings:

   a. That the petitioner for a variance is, or will be, in violation of a provision of these rules and regulations.

b. That, due to conditions beyond the reasonable control of the petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property or (2) the practical closing and elimination of a lawful business.

c. That such closing or taking would be without a corresponding benefit in reducing air contaminants.

10. Within 30 days of any order granting, modifying, or otherwise affecting a variance by the hearing board, either the air pollution control officer or the hearing board shall submit a copy of the order granting the variance to the State Air Resources Board.

11. a. If the air pollution control board adopts a rule or regulation to limit emissions of pollutants as of a future date, the rule or regulation shall also require that each person currently emitting pollutants exceeding such limits shall submit to the hearing board, for public hearing after notice as required by Section 4, a schedule of increments of progress as defined in Section 8 (d) indicating that the person will be in compliance with the emissions limit at the date the emissions limit is effective. If a person cannot be in compliance by such a date, he may apply for a variance prior to such date in which case the application shall be considered pursuant to this article even though such rule or regulation is not presently effective.

b. In lieu of the procedure described in subdivision (a) the rule or regulation may itself contain a schedule of increments of progress as defined in Section 8 (d). In such event, only persons who cannot comply with that schedule shall submit a schedule or an application for a variance to the hearing board as required in subdivision (a). In the event that a person subsequently determines that he cannot meet the schedule published in the rule or regulation, he shall immediately submit a schedule or an application for variance and justification therefore to the hearing board for approval. The hearing board shall approve a schedule different from the published schedule, or a variance, or portions thereof, only if the applicant demonstrates a bona fide effort to meet the published schedule and shown that his failure to do so has been caused by circumstances beyond his control, if a schedule is different from the schedule published in the rule or regulation.

(16.0) PART XIII - HEARINGS

1. Fee:

Every applicant or petitioner for a variance, or the extension, revocation or modification of a variance or for an appeal from a denial or conditional approval of an authority to construct, permit

to operate or permit to sell or rent, except any state or local governmental agency or public district, shall pay to the clerk of the Hearing Board, on filing a fee.

2. Transcript:

Any person requesting a transcript of the hearing except the Air Pollution Control District, shall pay the cost of such transcript.

3. Contents of Petition:

A. Every petition shall include:

1. The name, address and telephone number of the petitioner or other person authorized to receive services of notices.

2. Whether the petitioner is an individual, partnership, co-partnership, corporation or other entity, and the names and address of the partners if a co-partnership: names and address of the officer, if a corporation, and the names and address of the persons in control, if other entity.

3. The type of business or activity involved in the application and the street address at which it is conducted.

4. A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

5. The regulation under which the petition is filed; that is whether petitioner desires a hearing:

a. to determine whether a permit shall be revoked or suspended permit reinstated (H and S 24274).

b. for a variance.

c. to revoke or modify a variance.

d. to review the denial or conditional granting of an authority to construct, permit to operate or permit to sell or rent.

6. The signature of the petitioner or person authorized in the petitioner's behalf. Such authorization shall be stated.

7. The regulation under which permit was granted in petitions for revocation, together with a brief statement of the facts constituting the alleged violation.

8. The request and alleged refusal, in petitions for reinstatement of suspended permits, which formed the basis for such suspension, together with a brief statement as to why the information requested, if any, was not furnished, whether such information is believed by the petitioner to be pertinent, and if so, when it will be furnished.

9. All petitions shall be typewritten, double-spaced on legal or letter sized paper, one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

4. Variance Petition:

A. Variance petitions shall include, in addition to the information in three (3) above, the following:

1. Facts showing why compliance with the section, regulation or order is unreasonable.

2. The period of time for which variance is sought, and why such period is requested.

3. The damage or harm resulting or which would result to the petitioner from compliance with District regulations or order.

4. A final compliance date and increments of progress as defined in Part XII Section 8 (d).

5. The advantage or disadvantages to the residents of the District resulting from requiring compliance or resulting from granting a variance.

6. Whether or not operations under such variance, if granted, would constitute a nuisance.

7. Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

8. Non-acceptance of Petition:

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these regulations unless the chairman or any three (3) members of the Hearing Board direct otherwise and confirm such direction in writing.

This need not be done at a meeting of the Hearing Board. The chairman or any three (3) members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issue involved.

9. Dismissal by Petitioner:

The petitioner may dismiss the petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The clerk of the Hearing Board shall notify all interested persons of such dismissal.

10. Amending of Petition:

At any time more than ten (1) days prior to hearing, the petitioner may amend his petition by serving an amended copy to all necessary parties. Amendments less than ten (10) days prior to the hearing will be allowed at the discretion of the Hearing Board.

11. Notice of Hearing:

a. The clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Control Officer, all other air pollution control districts within the air basin as defined by the Air Resources Board, the State Air Resources Board, and the Environmental Protection Agency, not less than 30 days prior to such hearing.

b. The Hearing Board shall also send notice of the hearing to at least one daily newspaper of general circulation in the district, and obtain publication in such newspaper, and to every person who requests such notice. Such notice shall be sent and published not less than 30 days prior to the hearing. The notice shall contain the time and place of the hearing and such other information as may be necessary to reasonably apprise the people within the district of the nature and purpose of the meeting.

12. Place of Hearing:

All hearings shall be held at the County Supervisors' Chambers, Lake County Courthouse, Lakeport, California, unless some other place is specified by the Hearing Board.

13. Procedure:

A. Oral evidence shall be taken only on oath or affirmation.

B. Each party shall have these rights:

1. To call and examine witnesses.

2. To introduce exhibits.

3. To cross examine opposing witnesses on any matter relevant to the issue even though that matter was not covered in the direct examination.

4. To impeach any witness regardless of which party first called him to testify and to rebut evidence against him.

5. A respondent may be called and examined even if he does not testify in his own behalf.

C. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to relay in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objections in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions.

The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions and irrelevant and unduly repetitious evidence shall be excluded.

D. The chairman and any two members or any three members of the Hearing Board shall grant any continuance of fifteen (15) days or less, concurred in by the petitioner, the Control Officer and by every person who has filed an answer in the action. Written notices of such continuance shall be served on all parties concerned by the party instituting the continuance.

E. The decision of the Hearing Board shall be in writing, served and filed within 30 days after submission of the cause by the parties thereto, and shall contain a brief statement of facts found to be true, the determination of the issue presented and the order of the Hearing Board. Within 30 days of any order granting, modifying or otherwise affecting a variance by the Hearing Board, a copy of the order shall be mailed or delivered to the Control Officer, the petitioner, every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing, and to the State Air Resources Board.

F. The decision of the Hearing Board shall become effective fifteen (15) days after delivering or mailing a copy of the decision, or the Hearing Board may order that the decision become effective sooner.

G. The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted or denied by the Control Officer except under the following conditions:

1. An appeal from a denial of a permit to operate and a petition for a variance may be filed with the Hearing Board in a single petition, or

2. The Control Officer may petition the Hearing Board to grant a variance or extension of initial compliance for any individual operation or group of operations.

(2.0) PART XIV - CONSTRUCTION AND VALIDITY

1. If any provisions of these regulations shall be held void or unconstitutional by judicial or other parts of these regulations which are not expressly held to be void or unconstitutional shall continue in full force and effect.

2. The regulations are not intended to permit any practice which is in violation of any statute, ordinance, order or regulation of the United States, State of California, County of Lake or any incorporated city therein; and no provisions contained in these regulations are intended to impair or abrogate any civil remedy or process, whether legal or equitable, which might otherwise be available to any person.

3. These regulations shall be liberally construed for the protection of the Health, Safety and Welfare of the people of Lake County.

(1.0) AGRICULTURAL BURNING DEFINITIONS: (Adopted 1/22/73)

A. "Agricultural burning" means outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement, or used in improvement of land for wildlife and game habitat (Section 39295.6 of the California Health and Safety Code).

B. "Open burning in agricultural operations in the growing of crops or raising of fowls or animals" means:

1. The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowls or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and

2. In connection with operations qualifying under Subdivision (1):

a. The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and

b. The burning of material not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops and which are used in the field, except as prohibited by district regulations. Examples are fertilizers and pesticide sacks or containers, where the sacks or containers are emptied in the field.

C. "Range improvement burning" means the use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

D. "Forest management burning" means the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.

E. "Brush treated" means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides.

F. "Timber operations" means cutting or removal of timber or other forest vegetation.

G. "Silviculture" means the establishment, development, care and reproduction of stands of timber.

H. "Board" means Air Resources Board, or any person authorized to act on its behalf.

I. "Designated agency" means any agency designated by the Board as having authority to issue agricultural burning permits. The U. S. Forest Service and the California Division of Forestry are so designated within their respective areas of jurisdiction.

J. A "no-burn" day means any day on which agricultural burning is prohibited by the Board.

K. A "permissive-burn" day means any day on which agricultural burning is not prohibited by the Board.

L. "District" means the Lake County Air Pollution Control District.

M. "Approved ignition device" means any butane or propane burning device or any other device which does not create heavy unconsumed carbonaceous emission.

(51.13) BURNING REGULATIONS:

Agricultural Burning (Farm)

1. Permit required. Burn on permissive-burn days only.

2. Require the material to be burned to be free of material that is not produced in an agricultural operation.

3. Require the material to be arranged so that it will burn with a minimum of smoke.

4. Require material to be reasonably free of dirt, soil and visible surface moisture.

5. Require the material to be dried for minimum periods of time.

   a. Trees and large branches, 30 days

   b. Prunings and small branches, 7 days

   c. Wastes from field crops that are cut in a green condition, 3 days.

   d. Other material at the discretion of the local Air Pollution Control Officer.

6. Regulate the total amount of material that may be burned each day.

7. Regulate burning when the wind direction is toward a nearby populated area.

8. Limit the ignition of fires to approved ignition devices.

9. Permit on no-burn days the burning of empty sacks or containers which contained pesticides or other toxic substances, providing the sacks or containers are within the definition of "open burning in agricultural operations in the growing of crops or raising of fowl or animals", as specified in defintions (a).

Farm:

1. Drying time, trees and large limbs, 30 days.

2. Prunings, 7 days.

3. Waste, cut in green condition, 3 days.

Range:

1. Brush treated, crushed or uprooted with mechanical equipment or desiccated with herbicides.

2. Felled and dried trees, minimum 30 days.

AGRICULTURAL BURNING REGULATIONS APPENDIX B

(Adopted 1/22/73)

(2.0) PART I SCOPE AND POLICY

These regulations shall apply only to the use of open outdoor fires for the disposal of trees, brush, native vegetation, dry wood wastes, paper and cardboard on permissive burn days as designated by the California Air Resources Board and the Lake County Air Pollution Control District. Permits for such fires are required and shall be issued by the fire control agency of jurisdiction in the respective area. These regulations are not intended to permit open burning on days when such open burning is prohibited by public fire protection agencies for purpose of fire control or prevention.

(1.0) PART II DEFINITIONS

1. Agricultural Burning:

Open outdoor fires used in agricultural operations in the growing of crops or raising of fowls or animals, forest management, or range improvement, or used in improvement of land for wildlife and game habitat (Section 39295.6 of the California Health and Safety Code.)

2. Open Burning in Agricultural Operations in the Growing of Crops or Raising of Fowl or Animals:

a. The burning in the open of materials produced wholly from operations in the growing and harvesting of crops or raising of fowl or animals for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and

b. In connection with operations qualifying under Subdivision (a):

1. The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for cultivation; and

2. The burning of material not produced wholly from such operations, but which are intimately related to the growing or harvesting of crops which are used in the field, except as prohibited by district regulations. Examples are fertilizer and pesticide sacks or containers, where the sacks or containers are emptied in the field.

3. Range Improvement Burning:
B

The use of open fires to remove vegetation for a wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.

4. Forest Management Burning:

The use of open fires as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.

5. Brush Treated:

The material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides.

6. Timber Operations:

Cutting or removal of timber or other forest vegetation.

7. Silvicultural:

The establishment, development, care and reproduction of stands of timber.

8. Board:

The State Air Resources Board, or any person authorized to act on its behalf.

9. Designated Agency:

Any agency designated by the Board as having authority to issue agricultural burning permits. The U.S. Forest Service and the California Division of Forestry are so designated within their respective areas of jurisdiction.

10. No-Burn Day:

Any day on which agricultural burning is prohibited by the Board, or the Lake County Air Pollution Control Districts.

11. Permissive-Burn Day:

Any day on which agricultural burning is not prohibited by the Board.

(51.13) PART IV PERMISSIVE-BURN AND NO-BURN DAYS

1. A notice as to whether a day is a permissive-burn day or a no-burn day will be provided by the Air Resources Board by 0745. Such notices will be based on meteorological criteria adopted by the Air Resources Board.

2. An advisory outlook which estimates whether the following day (s) will be permissive-burn or no-burn day (s) will be made by the Board.

(3.0) PART V BURNING PERMITS

1. All burning permits, with the exception of Subdivision 2 of this Part, will be issued by the appropriate fire control agency having jurisdiction in the area of the proposed burn. The applicant shall provide all information required by the fire control agency and the Control District. All permits issued are subject to these agricultural burning guidelines, Control District regulations, fire control agency regulations and other such regulations as may be applicable. The permit shall contain the following words or words of similar import: "This permit is valid only on these days which are not prohibited by the State Air Resources Board pursuant to Section 39298 of the Health and Safety Code".

2. Notwithstanding the provisions in Subdivision 3 of this Part, the Air Resources Board may prohibit range improvement burning during the period designated if in the opinion of the Board, such prohibition is required for the maintenance of suitable air quality.

3. Permittees will be issued applicable guidelines and prohibitions as an integral portion of the permit.

4. Designated fire control agencies will be provided with applicable information on Control District and State Air pollution control regulations. Such information will be reviewed and kept current on a continuing basis.

(13.0) (51.13) PART VI BURNING REPORT

1. A quarterly report of burning pursuant to these guidelines shall be submitted by designated agencies to the Control District within fourteen (14) days of the end of the quarter. The report shall include the date of each burn, the type of waste burned, and the estimated tonnage or acreage of waste burned.

2. A report of permits issued pursuant to Part V-2 shall be prepared quarterly by the District. The report shall include the number of such permits issued, the date of issuance, the person or persons to whom the permit was issued, an estimate of the amount of wastes burned and the reason why denial of each permit would have threatened imminent and substantial economic loss.

(51.13) PART VII OPEN BURNING IN AGRICULTURAL OPERATIONS IN THE GROWING OF CROPS OR RAISING OF FOWL OR ANIMALS

1. All burning shall be ignited by approved devices, such as fusees, orchard torches, propane torches, pressurized flamethrower type torches, jellied petroleum devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

2. All material to be burned shall be free of material that is not produced in an agricultural operation. Tires, tarpaper and other rubbish likely to cause excessive smoke shall not be burned.

3. All material to be burned shall be arranged so that it will burn with a minimum of smoke and be reasonably free of dirt, soil and visible surface moisture.

4. Materials shall be dired as follows:

   a. Trees and branches over 6 inches in diameter: 60 days

   b. Prunings and smaller branches: 15 days

   c. Field crops, brush and weeds cut in a green condition: 7 days

d. Other materials: Drying time will be determined by the designated agency.

e. Designated agencies may modify the above drying times as conditions warrant.

5. The total amount of material that may be burned in each designated district (Fig. 1) shall not exceed that set forth in Table II.

6. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediate surrounding populace. Wind direction, topography and population density shall be considered to minimize smoke reaching nearby populated areas.

7. Burning of empty sacks or containers which contained pesticides or other toxic substances may be permitted on no-burn days, providing the sacks or containers are within the definition of "open burning in agricultural operations in the growing of crops or raising of fowl or animals" as specified in Part II - 2.

(51.13) PART VIII RANGE IMPROVEMENT BURNING

1. All burning shall be ignited by approved ignition devices, such as fusees, orchard torches, propane torches, pressurized flamethrower type torches, jellied petroleum devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

2. The total amount of material that may be burned in each designated district (Fig. 1) shall not exceed that set forth in Table II.

3. Wastes to be burned shall be free of tires, tarpaper or other types of rubbish likely to cause excessive smoke.

4. Wastes shall be ignited as rapidly as practicable within applicable fire control restrictions.

5. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediately surrounding populace. Wind direction, topography and population density, shall be considered to minimize smoke reaching nearby populated areas.

6. Brush is to be treated at least (6) months prior to burning if economically and technically feasible.

7. Unwanted trees over six (6) inches in diameter shall be felled and dried at least sixty (60 days).

8. If the burn is to be done primarily for the improvement of land for wildlife and game habitat, the applicant must obtain a statement from the Department of Fish and Game certifying that the burn is desirable and proper. Such statements must be filled with the designated agency and Control District.

(51.13) PART IX FOREST MANAGEMENT BURNING

1. All forest management burning shall be ignited by approved ignition devices such as fusees, orchard torches, propane torches, pressurized flamethrower type torches, jellied petroleum devices, commercial-jellied petroleum pumps, commercial grenade devices, matches, fuselighters, commercial fuses, fuel blivets, drip torches, diesel sprayers or other such approved devices.

2. The total amount of material that may be burned in each designated district (Fig. 1) shall not exceed that set forth in Table II.

3. Wastes shall be ignited as rapidly as practicable within applicable fire control restrictions.

4. Maximum care must be taken to keep smoke from drifting into populated areas such as the incorporated cities and their immediately surrounding populace. Wind Direction, topography and population density shall be considered to minimize smoke reaching nearby populated areas.

5. Materials to be burned shall be dired for minimum periods as determined by the designated agency.

6. Wastes to be burned shall be free of tires, rubbish, tarpaper, construction debris or other types of material likely to cause excessive smoke.

7. Wastes to be burned shall be reasonably free of dirt, soil and visible surface moisture.

8. Wastes to be burned shall be wind-rowed or piled where possible, unless good silvicultural practices dictate otherwise.

9. Wastes to be burned in piles shall be prepared to burn with a minimum of smoke.

(15.0) PART X ENFORCEMENT

1. No person shall knowingly set or permit agricultural burning unless he has a valid permit from a designated agency or the District.

2. No person shall knowingly set or permit agricultural burning on days prohibited by the California Air Resources Board or the Control District.

3. A violation of this section is a misdemeanor punishable by imprisonment in the County Jail not exceeding six (6) months or by fine not exceeding five hundred ($500.00) dollars, or both, and the cost of putting out the fire. Every day during any portion of which such violation occurs constitutes a separate offense.

4. Enforcement of these regulations shall be carried out by the Control District.

TABLE I: AGENCIES DESIGNATED TO ISSUE AGRICULTURAL BURNING PERMITS

1. California Division of Forestry, Middletown (Jim Owen)
2. California Division of Forestry, Kelsey/Cobb) Frank Hudson
3. California Division of Forestry, Clearlake Oaks)
4. U. S. Forest Service, Upper Lake
5. Clearlake Oaks Fire Protection District
6. Kelseyville-Big Valley Fire Protection District
7. Lakeport County Fire Protection District
8. Lakeshore Fire Protection District (Clearlake Highlands)
9. Middletown Fire Protection District
10. Upper Lake Fire Protection District

TABLE II:

DAILY QUOTA OF AGRICULTURAL MATERIAL THAT MAY BE BURNED BY WATERSHED*

Watershed	Acreage (or tonnage) Per Day**
Clear Lake	5,000 acres (150,000 tons)
Putah Creek	2,000 acres (60,000 tons)
Scotts Creek	2,000 acres (60,000 tons)

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* Watershed boundaries indicated in Figure I.

**Acreage based on an average fuel density of 30 tons per acre. Acreage must be adjusted downwardly in event the average fuel density exceeds thirty (30) tons/acre. Acreage may be adjusted upwardly if fuel density is less than thirty (30) tons/acre. Adjustment of acreage will be at the discretion of the fire control agency or Control District based on Table III, "Guides for Estimating Dry Weights of Several California Fuel Types", air quality, and fire control conditions.

Daily quota is the maximum permissible material that may be burned. Neither the fire control agency nor the Control District is required to allow the maximal amount permissible on any given burn-day.

TABLE III:

GUIDES FOR ESTIMATING DRY WEIGHTS OF SEVERAL CALIFORNIA FUEL TYPES

Code No. (Fuel Types)	Material	Total Dry Weight (Tons, Acre)
1	Grass	2
2	Grass and scattered sage	4
3	Mature timer (little chopping)	30
4	Bear Clover	8
5	Open Manzanita	10
6	Timber - medium reporduction and brush	15
7	Light to medium chamise-Southern California	6
8	Brush mixture with sage	12
9	Medium brush - in cut-over or timber burn	20
10	Mixed Douglas Fir - White Fir with brush and rep.	40
11	Medium brush and oak - So. California	15
12	Heavy pure manzanita, chamise or buck brush	25
13	Heavy mixed brush	30
14	Heaviest mixed brush	35
15	Second growth - medium poles	20
16	Slash in cut-overs - See items 1-4 below	
17	Woodland - little chopping	3
18	Prunings	3
19	Miscellaneous - To be estimated	

Dry Weights or Slash in cut-overs (fuel type 16)

			Total Dry Weight
1.	Hand Piles	6' x 6' x 6'	1 ton
2.	Machine Piles	15' x 15' x 8'	6 tons
3.	Log decks	32' x 15' x 10'	60 tons
4.	Patch Cut Areas:		
	Light		60 tons/acre
	Medium		90 tons/acre
	Heavy		150 tons/acre

TABLE IV.

LAKE COUNTY AIR POLLUTION CONTROL DISTRICT

PARTICULATE MATTER EMISSIONS STANDARD FOR PROCESS UNITS AND PROCESS EQUIPMENT

Process Lbs/Hr.	Emission Lbs/Hr.	Process Lbs/Hr.	Emission Lbs/Hr.	Process Lbs/Hr.	Emission Lbs./Hr.
50	0.24	2300	4.44	7500	8.39
100	0.46	2400	4.55	8000	8.71
150	0.66	2500	4.64	8500	9.03
200	0.85	2600	4.74	9000	9.36
250	1.03	2700	4.84	9500	9.67
300	1.20	2800	4.92	10000	10.00
350	1.35	2900	5.02	11000	10.63
400	1.50	3000	5.10	12000	11.28
450	1.63	3100	5.18	13000	11.89
500	1.77	3200	5.27	14000	12.50
550	1.89	3300	5.36	15000	13.13
600	2.01	3400	5.44	16000	13.74
650	2.12	3500	5.52	17000	14.36
700	2.24	3600	5.61	18000	14.97
750	2.34	3700	5.69	19000	15.58
800	2.43	3800	5.77	20000	16.19
850	2.53	3900	5.85	30000	22.22
900	2.62	4000	5.93	40000	28.30
950	2.72	4100	6.01	50000	34.30
1000	2.80	4200	6.08	60000	40.00
1100	2.97	4300	6.15		
1200	3.12	4400	6.22	or more	
1300	3.26	4500	6.30		
1400	3.40	4600	6.37		
1500	3.54	4700	6.45		
1600	3.66	4800	6.52		
1700	3.79	4900	6.60		
1800	3.91	5000	6.67		
1900	4.03	5500	7.03		
2000	4.14	6000	7.37		
2100	4.24	6500	7.71		
2200	4.34	7000	8.05		

TABLE V

LAKE COUNTY AIR POLLUTION CONTROL DISTRICT
TABLE OF STANDARDS, APPLICABLE STATE WIDE
SECTION 70200 CALIFORNIA ADMINISTRATIVE CODE, TITLE 17

Substance	Concentration and Methods*	Duration of Averaging Periods	Most Relevant Effects	Comments
Oxidant, including Ozone	0.10 ppm neutral buffered KI***	1 hour	Eye irritation	This level is below that associated with aggravation of respiratory diseases.
Carbon Monoxide	10 ppm NDIR 40 ppm NDIR	12 hours 1 hour	2-2 1/2% COH6 2-2 1/2% COH6	This level is below those associated with impairment in time discrimination, visual function and psychomotor performance.
Sulfur Dioxide	0.3 ppm conductimetric method 0.04 ppm conductimetric method	1 hour 24 hours	a. Approximate odor threshold. b. Possible alteration in lung function. With particulate matter, 0.05 ppm long term average may be associated with respiratory irritation.	Alteration in lung function was found at this level in only one study. Other studies reported higher concentrations to cause this effect.
Visibility Reducing Particles	In sufficient amount to reduce visibility** to less than 10 miles when relative humidity is less than 70%	1 observation	Visibility impairment on days when relative humidity is less than 70%	
Suspended Particulate Matter	60 ug/m^3 high volume sampling 100 ug/m^3 high volume	24 hour samples, annual geometric mean 24 hour sample	Long continued exposure may be associated with increase in chronic respiratory disease. Exposure with SO_2 may produce acute illness.	This standard applies to suspended particulate matter in general. It is not intended to be a standard for toxic particles such as asbestos, lead or beryllium. Because size distribution influences the effect of particulate matter on health, the standard will be reevaluated as data on health effects related to size distribution become available.

Substance	Concentration and Methods*	Duration of Averaging Periods	Most Relevant Effects	Comments
Lead (particulate)	1.5 ug/m^3 high volume sampling	30 day average	Possible inhibition of d-ALA dehydrate which is used in heme synthesis	With exposure to 2 ug/m^3 or above as a 30 day average, increased storage of lead will produce detectable metabolic effects.
Hydrogen Sulfide	0.03 ppm, cadmium hydroxide STRactan Method	1 hour	Exceeds the odor threshold	
Nitrogen Dioxide	0.25 ppm, Saltzman	1 hour	a. At slightly higher dosage, effects are observed in experimental animals, which imply a risk to the public health. b. Produces atmospheric discoloration	

*Any equivalent procedure which can be shown to the satisfaction of the Air Resources Board to give equivalent results at or near the level of the air quality standard may be used.

**Prevailing visibility is defined as the greatest visibility which is attained or surpassed around at least half of the horizon circle, but not necessarily in continuous sectors.

***Corrected for nitrogen dioxide.